

AMENDED IN SENATE JUNE 24, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 773

Introduced by Assembly Member Lieu

February 26, 2009

An act to add Section 1424.6 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 773, as amended, Lieu. Health facilities: citations: notifications.

Under existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, the State Department of Public Health administers various requirements pertaining to long-term health care facilities. Violation of these provisions is punishable by various classes of administrative citations with corresponding administrative penalties.

This bill would require, within 30 days of the issuance of a class "AA" or class "A" violation citation, that the cited facility send written notification ~~to the last known address of the primary contact for~~ all current residents and patients *and to the primary contacts listed in the admission agreement of each resident and patient*, as specified. If the facility fails to send the notifications, the bill would allow the department to assess an administrative penalty of \$1,000 per day for each day following the end of the 30-day notification period, *but would require the department to waive the administrative penalty if the facility can*

demonstrate that it mailed written notification to the residents and patients and to the primary contacts listed in the admission contract of each resident and patient, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1424.6 is added to the Health and Safety
2 Code, to read:

3 1424.6. (a) Within 30 days of the issuance of a citation for a
4 class “AA” or class “A” violation pursuant to Section 1424 or
5 1424.5, the cited facility shall send written notification to the last
6 known address of the primary contact for all current residents and
7 patients. *all current residents and patients and to the primary*
8 *contacts listed in the admission agreement of each resident and*
9 *patient.* The notice shall disclose the violation for which the citation
10 was issued, the date of the citation, and a telephone number or
11 Internet Web site address for the department where more
12 information on the citation may be accessed. If the facility is
13 appealing the citation, the notice may also include that fact. ~~If the~~
14 ~~facility fails to send the notifications pursuant to this section, the~~
15 ~~department may assess an administrative penalty of one thousand~~
16 ~~dollars (\$1,000) for each day following the end of the 30-day~~
17 ~~period.~~

18 (b) *If the facility fails to send the notifications pursuant to this*
19 *section, the department may assess an administrative penalty of*
20 *one thousand dollars (\$1,000) for each day following the end of*
21 *the 30-day period. The department shall waive a penalty imposed*
22 *pursuant to this section if the facility can demonstrate that it has*
23 *mailed written notification to all current residents and patients*
24 *and to the primary contacts listed in the admission contract of*
25 *each resident and patient. The department shall accept a copy of*
26 *the written notice and a copy of the list of individuals and mailing*
27 *addresses to whom the facility sent the notification as satisfactory*
28 *evidence that the facility provided the required written notification.*